IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

CRP.No. 1663 of 2003()

AGAINST THE ORDER IN EP 649/2001. IN
LAR.550/1988 of I ADDL.SUB COURT,ERNAKULAM

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REVN. PETITIONER: JUDGMENT DEBTORS IN THE E.P:

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1. STATE OF KERALA,
   REPRESENTED BY THE DISTRICT COLLECTOR,
   ERNAKULAM.

2. COCHIN EXPORT PROCESSING ZONE,
   KAKKANAD, REPRESENTED BY ITS
   DEVELOPMENT COMMISSIONER.

BY GOVERNMENT PLEADER SMT. R.BINDU

RESPONDENTS: DECREE HOLDER IN THE E.P:

KURIAN, S/O. KURIAN OTHARA,
PARAPPEL, KAKKANAD.

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 18/6/2007 , THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON I.A.NO: 1279/03 IN C.R.P.NO: 1663/03

DISMISSED:

18/6/2007 SD/- M.N.KRISHNAN, JUDGE

jj /TRUE COPY/

P.A.TO JUDGE

M.N.KRISHNAN, J.

C.R.P.No. 1663 OF 2003 F

Dated this the 18th June, 2007.

O R D E R

This revision petition is preferred against the order of dismissal of E.P.649/01 in L.A.R.550/88. The order reads as follows:-

"Rs.4,65,722/- is deposited. E.P. dismissed."

Now, it is the judgment debtor who has come up in revision against the order of dismissal of the E.P. It appears that the contention of the government is to the effect that an amount of Rs.4,65,722/- is not due to the decree holder but only an amount of Rs.50,281/- is due. It is not known why the government have deposited larger amount when, according to them, the amount due is much less. Anyhow, decree holder is only entitled to get the amount as per the decree and as per the provisions of the Act. Therefore, if there is any excess deposit made by the government, then the government is permitted to move an application in the form of an execution application before the executing court and the court shall decide the matter after hearing both sides. There will be a stay of the disbursal of the amount which

is in dispute between the parties. C.R.P is disposed of accordingly.

M.N.KRISHNAN
Judge

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